

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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CYNTHIA A. BENNETT and GUY E. MILLER, :  
Plaintiffs, : Civil Action No. 04cv11651 (MLW)  
vs. :  
FIDELITY MANAGEMENT AND RESEARCH :  
COMPANY, et. al., :  
Defendants. :  
:  

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NANCY HAUGEN, MICHAEL F. MAGNAN, :  
KAREN L. MAGNAN, ROSE M. : Civil Action No. 04cv11756 (MLW)  
IANNACCONE, PRESLEY C. PHILLIPS, :  
ANDREA M. PHILLIPS, and CINDY :  
SCHURGIN, for the use and benefit of FIDELITY :  
MAGELLAN AND FIDELITY CONTRAFUND, :  
Plaintiffs, :  
vs. :  
FIDELITY MANAGEMENT AND RESEARCH :  
COMPANY, et. al., :  
Defendants. :  
:  

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**[PROPOSED] ORDER GRANTING  
INTERVENTION AND STAYING ALL PROCEEDINGS**

WHEREAS, intervention by the plaintiffs in the following cases is appropriate and consistent with Rule 24 of the Federal Rules of Civil Procedure: *Gilliam v. Fidelity Management & Research Co.*, No. 04-cv-11600 (NG); *Bogatin Family Trust v. Fidelity Management and Research Co.*, No. 04-cv-11642 (NG); *Awali v. Fidelity Management and Research Co.*, No. 04-

cv-11709 (MLW); *Groeschel v. Fidelity Management and Research Co.*, No. 04-cv-11735 (GAO); and *Fallert v. Fidelity Management and Research Co.*, No. 04-cv-11812 (MLW) (collectively these five cases will be referred to as the “*Gilliam* Plaintiffs”);

WHEREAS, a Motion for Consolidation of the *Gilliam* Plaintiffs’ cases and the above-captioned *Haugen* and *Bennett* cases is pending in this District;

WHEREAS, the outcome of the Motion for Consolidation will affect the adjudication of the above-captioned *Haugen* and *Bennett* actions as well as the *Gilliam* actions;

NOW, THEREFORE, THE COURT ORDERS as follows:

- (1) The Motion to Intervene by the *Gilliam* Plaintiffs is granted;
- (2) All proceedings in the *Haugen* and *Bennett* actions are stayed pending the resolution of the Motion for Consolidation.

IT IS SO ORDERED

Dated: \_\_\_\_\_, 2004

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Hon. Mark L. Wolf  
United States District Judge